

REMARKS

Prior to the Amendment above, claims 7-15 stood rejected as anticipated or obvious in view of U.S. Pat. No. 4,112,161 to Sorrells. Claims 7, 9, 11, and 13 are amended herein, claims 11 and 15 are cancelled, and claims 16 and 17 are added. Applicants' Amendments and Remarks respectfully traverse the Examiner's rejections.

Claims 7, 9, and 13 are amended to clarify that the polymeric material is permeable and thus distinguishable from Sorrells. Sorrells uses a hot melt adhesive to secure the stitches of the pile. The disadvantage of this hot melt adhesive is one that Sorrells acknowledges: namely, the hot melt adhesive is impermeable. Col. 5, lines 21-26. This impermeability is problematic because it results in a difficult and longer installation, inflexibility (poor handling), unsightly rippling in the carpet, and poor adhesion between the carpet and the floor. Sorrells recognizes all of these problems (calls them a "plague") and proposes a solution to them. Col. 5, lines 25-49; Col. 6, lines 53-59.

Sorrells' solution is a simple one: mechanically punch holes in the structure to make it permeable. (Sorrells proposes using a modified tufting machine to punch the holes. Col. 5, lines 59-61.) Once the structure is made permeable using this brute force approach, according to the patent the carpets are no longer "plagued" by the problems inherent when using non-punched impermeable hot melt adhesives. Col. 6, lines 53-60. What Sorrells does not address is controlling the permeability- or putting limits on it.

This makes sense, since Sorrells is directed at the uncomplicated field of carpet installation- and particularly improving the handling of carpet, while the current application is directed at manufacturing soundproof panels.

Due to this end product difference, the current application addresses the permeability problem differently. Where Sorrells discloses mechanical punching, the present invention obviates the need for this step by using a polymeric material made so as it forms. This permeable polymeric material is advantageous over Sorrells because it is easier to produce (one less mechanical step). It eliminates the step of punching holes in the backing and material, and also the resulting damage. At the same time, the claimed panel has the advantages of Sorrells: easy installation, and a strong bond between the polymeric layer and another substrate. (As was previously pointed out during the prosecution of this application, the sound attenuation properties in the claimed invention is an advantage that was never addressed in Sorrells.)

The previously submitted claims claimed that the overall panel was generally permeable. The claims are now more specific in claiming that the polymeric material or panel has a specific permeability measured in Rayls. The property is imparted in the material after the reheating and molding discussed in the application. The claims are distinguished over Sorrells in that the claimed polymeric material's permeability is inapposite to Sorrell's impermeable adhesive that only becomes permeable (but not in a way that is controlled) after a mechanical punching.

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Claims 16 and 17 are added to claim that the assembly's three-dimensional structure. Sorrells is directed to flat carpeting. Claims 16 and 17 claim the three dimensional panels. Figure 9 shows such a three dimensional panel- as compared to Sorrells flat carpet that is shown in Figure 4.

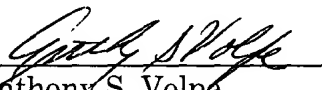
Based on the foregoing Amendment and Remarks, claims 7-9, 11-14, 16, and 17 should currently be in condition for allowance and a Notice of Allowability is respectfully requested.

Respectfully submitted,

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